

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.31 OF 2007

IN

NOTICE OF MOTION NO.1025 OF 1989

IN

SUIT NO.1240 OF 1989

Horace Joseph Pereira. ...Petitioner.

VS.

1.Domnic Francis Pereira & another. ...Respondents

Mr.V.R.Dhond with Ms.Shaikh i/b. M/s.S.K.Srivastava & Co., for Petitioner.

Mr.Bhandary i/b. Bhandary & Bhandary, for Respondent no.1.

CORAM: D.K.DESHMUKH, J.

DATED: 25th June, 2007.

P.C. :-

1. The respondent no.1 has filed an affidavit stating that the respondent no.2 is not staying in the flat, he is merely coming to visit the respondent no.1 and the respondent no.1 admittedly is more than 85 years of age and he is residing in India. The learned Counsel appearing for respondent no.1 informs me that the respondent no.1 is out of India i.e in Canada almost for six months in a year. Taking overall view of the matter therefore, in my opinion, in view of the affidavit of respondent no.1 and considering the age of the respondent no.1 and his situation, it will not be appropriate to entertain this contempt petition. The petition is disposed of.
